

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77320288
LAW OFFICE ASSIGNED	LAW OFFICE 103
MARK SECTION (no change)	
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
ORIGINAL PDF FILE	http://tgate/PDF/RFR/2009/04/06/20090406171258733064-77320288-002_001/evi_6715121818-163214567_090406_Request_for_Reconsideration.pdf
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	<u>\\TICRS\EXPORT6\IMAGEOUT6\773\202\77320288\xml1</u> <u>\\RFR0034.JPG</u>
DESCRIPTION OF EVIDENCE FILE	Applicant's Request for Reconsideration and Exhibit A
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Joseph T. Kucala, Jr./
SIGNATORY'S NAME	Joseph T. Kucala, Jr.
SIGNATORY'S POSITION	Attorney of record, IL bar member
DATE SIGNED	04/06/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Apr 06 17:12:58 EDT 2009
TEAS STAMP	USPTO/RFR-67.151.218.18-2 0090406171258733064-77320 288-4308c4d315474ab63ecec 272c5df6052-N/A-N/A-20090 406163214567145

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77320288** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of Applicant's Request for Reconsideration and Exhibit A has been attached.

Original PDF file:

http://tgate/PDF/RFR/2009/04/06/20090406171258733064-77320288-002_001/evi_6715121818-163214567_.090406_Request_for_Reconsideration.pdf

Converted PDF file(s) (12 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Original PDF file:

http://tgate/PDF/RFR/2009/04/06/20090406171258733064-77320288-002_002/evi_1-6715121818-163214567_.090406_Exhibit_A.pdf

Converted PDF file(s) (21 pages)

Evidence-1

Evidence-2

Evidence-3

Evidence-4

Evidence-5

Evidence-6

Evidence-7

Evidence-8

Evidence-9

Evidence-10

Evidence-11

Evidence-12

Evidence-13

Evidence-14

Evidence-15

Evidence-16

Evidence-17

Evidence-18

Evidence-19

Evidence-20

Evidence-21

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Joseph T. Kucala, Jr./ Date: 04/06/2009

Signatory's Name: Joseph T. Kucala, Jr.

Signatory's Position: Attorney of record, IL bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77320288

Internet Transmission Date: Mon Apr 06 17:12:58 EDT 2009

TEAS Stamp: USPTO/RFR-67.151.218.18-2009040617125873

3064-77320288-4308c4d315474ab63eeec272c5

df6052-N/A-N/A-20090406163214567145

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Swanson Tool Company, Inc. Serial No.: 77/320,288 Filing Date: November 02, 2007 Mark: H & Diamond Design	Examining Attorney: Paul A. Moreno Law Office 103
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REQUEST FOR RECONSIDERATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1450

I. INTRODUCTION

Applicant filed an application to register the mark H & Diamond design ("Applicant's Mark") in connection with various hand tools in Classes 8 & 9. In an Office Action dated December 18, 2007, the Examining Attorney initially refused registration and requested a clarification on the identification of goods, which was provided. Then, on February 27, 2008, the Examining Attorney issued a subsequent office action refusing registration under Section 2(d) on the basis of a likelihood of confusion with U.S. Reg. No. 3,099,993 for the letter "H" and hex bolt design ("Registrant's Mark"). Applicant submitted arguments in response to the second office action on August 27, 2008. The Examining Attorney found Applicant's arguments unavailing and issued a final office action refusing registration on October 6, 2008.

Applicant hereby files its Request for Reconsideration in response to the Final Office Action dated October 6, 2008. Applicant has reviewed the contents of the Final Office

Action carefully and respectfully disagrees that there is any likelihood of confusion. Once the marks are properly analyzed, it should be clear that the marks are different. As a result, Applicant requests that the Examining Attorney withdraw the final refusal and pass the application for publication in the *Official Gazette*.

II. ARGUMENT

A. There is No Likelihood of Confusion with the Registrant's Mark.

In support of his refusal to register, the Examining Attorney argues that there is a likelihood of confusion between Applicant's Mark and Registrant's Mark because the literal portions of the marks both consist of the single letter "H." Applicant respectfully disagrees with this conclusion. As Applicant will demonstrate, there is no evidence to warrant a refusal under Section 2(d) because: (1) the Examining Attorney improperly dissected the marks; (2) the support relied upon by the Examining Attorney is inapplicable; (3) the marks, when viewed in their entirety, are visually different and create different overall commercial impressions; and (4) Registrant's Mark is entitled to a limited scope of protection. As a result, there can be no likelihood of confusion and the refusal to register should be withdrawn.

1. The Examining Attorney Improperly Dissected the Marks.

In making his likelihood of confusion determination, the Examining Attorney employed the incorrect legal standard for evaluation of the marks. In fact, the Examining Attorney incorrectly assumes the marks are similar because they both contain the same letter "H." The Examining Attorney's analysis has improperly dissected the marks, leading to an incorrect finding of a likelihood of confusion.

The comparison of the Applicant's Mark and Registrant's Mark must focus on "the similarity or dissimilarity of the marks in their **entireties** as to appearance, sound, connotation and commercial impression." *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973) (emphasis added). The Examining Attorney has misplaced his focus on the literal portion of the mark, in this case a single letter. Under this analysis, the Examining Attorney ignores the distinctive design elements of the marks. According to a leading trademark expert, "Conflicting marks consisting of both words and pictorial symbols must be compared in their *entireties* to determine likelihood of confusion." 4 J. Thomas McCarthy, *McCarthy on Trademarks and Unfair Competition* § 23.47 (4th ed. 2007) (citing *King of Mountain Sports, Inc. v. Chrysler Corp.*, 185 F.3d 1084, 1090-91 (10th Cir. 1999) (Because marks are to be compared in their entireties, even if the "dominant" parts of the conflicting word-design marks are the identical words, the marks as a whole are not confusingly similar)).

The present situation requires further consideration because the marks do not contain any words. The Federal Circuit's decision in *In re Electrolyte Labs., Inc.*, 929 F.2d 645 (Fed. Cir. 1999) is instructive in this instance. In this case, the Federal Circuit stated where "the goods are similar, as are the channels of trade; and the marks have common features...[t]he similarities and dissimilarities between the two marks must be considered, for likelihood of confusion depends on the overall impression of the marks." *Id.* at 647. The Federal Circuit further stated "[t]here is no general rule as to whether letters or design will dominate in composite marks; nor is the dominance of letters or design dispositive of the issue. No element of a mark is ignored simply because it is less dominant, or would not have trademark significance if used alone." *Id.* The Federal Circuit found there to be no

likelihood of confusion between the marks “K + (plus design)” and K+EFF (both for potassium supplements). Moreover, the Federal Circuit stated “[a] design is viewed, not spoken, and a stylized letter design cannot be treated simply as a word mark.” *Id.* The Court further commented that when a “trademark consists of highly stylized letters” it “is therefore in a gray region between pure design marks which cannot be vocalized and word marks which are clearly intended to be.” *Id.* (quoting *Georgia-Pacific Corp. v. Great Plains Bag Co.*, 614 F.2d 757, 760 (C.C.P.A. 1980)).

As a result, the proper analysis requires that the Examining Attorney consider the marks in their entireties, recognizing the marks contain letters, not words, and the marks are viewed, not spoken. The Examining Attorney also cannot exclude or ignore the design elements of Applicant’s Mark. Utilizing the proper analysis, the Examining Attorney would clearly see the marks are different.

The analysis in *In re Electrolytes* is supported by the Federal Circuit’s predecessor court, the Court of Customs and Patent Appeals (“C.C.P.A”). The C.C.P.A. previously held there was no likelihood of confusion between two composite marks, both containing the capital letter “B”, because “there are great dissimilarities” between the designs. *In re App. of Burndy Corp.*, 300 F.2d 938, 940 (C.C.P.A. 1962). The Court further stated “[t]he marks are not word marks and are not capable of being spoken.” *Id.* In a subsequent opinion the Court added that even if “the mark could be verbalized, such is not the end of the inquiry.” *Georgia-Pacific Corp. v. Great Plains Bag Co.*, 614 F.2d 757, 760 (C.C.P.A. 1980) (no likelihood of confusion between stylized GP logo and G-P marks).

As demonstrated by the foregoing, the legal standard relied upon by the Examining Attorney is incorrect and does not comport with the established case law. The Examining

Attorney's isolated focus ignored the key distinguishing factors, the design elements. Moreover, Applicant's Mark and Registrant's Mark do not contain words, and are not clearly verbalized. When viewed in their entireties, the marks are different. See Section IIA(3) *infra*.

2. The Support Relied Upon by the Examining Attorney Are Inapplicable.

The Examining Attorney simply concludes that the marks create a similar commercial impression such that confusion as to origin is likely, but fails to identify the commercial impression conveyed by the marks, other than as a letter from the alphabet. The support relied upon by Examining Attorney to reach this conclusion is inapplicable to the present situation.

a. The Letter Element of the Marks is Accorded No Greater Weight in the Determination.

The Examining Attorney's rigid analysis applies a rule of construction that is not supported by the case law or Trademark Manual of Examining Procedure ("TMEP"). In particular, the Examining Attorney asserts that "the word portion is normally accorded greater weight in determining likelihood of confusion." This assertion and cases cited therein are inapplicable to the present situation.

To support his position, Examining Attorney relies upon the Board's decision in *In re Dakin's Miniatures Inc.*, 59 U.S.P.Q.2d 1593 (T.T.A.B. 1999). However, this case is inapplicable because the marks did not consist of letters combined with distinctive designs. Rather, all of the marks in question featured the word DAKIN. *Id.* at 1596. "In fact, one of the cited registrations consist[ed] solely of the typed word 'DAKIN.'" *Id.* Similarly, in *Amoco Oil Co. v. Amerco, Inc.*, 192 U.S.P.Q. 729 (T.T.A.B. 1976) the Board analyzed the

marks AMERCO + wheel design and AMERCO, which are word marks unlike the marks in the present situation. Moreover, the Examining Attorney cites to *In re Appetito Provisions Co.*, 3 U.S.Q.P.2d 1553, (T.T.A.B. 1987) for the same general proposition. As previously stated, the marks at issue in *In re Appetito Provisions Co.*, did not consist of letters with distinctive designs, but both marks contained the letter “A” with the word “appetito.” The Board’s conclusion was based upon the similarity of the **word APPETITO.**” *Id.* at 1554. (emphasis added).

The TMEP also does not support the Examining Attorney’s analysis. The Examining Attorney seems to reply upon TMEP Section 1207.01(c)(ii), which if read in its entirety contradicts the Examining Attorney’s approach. TMEP Section 1207.01(c)(ii) states “the fundamental rule in this situation is that the marks must be considered in their entireties....The comparison of composite marks must be done on a case-by-case basis, without reliance on mechanical rules of construction.” Moreover, “[t]here is no general rule as to whether letters or designs will dominate in composite marks; **nor is the dominance of letters or design dispositive of the issue.**” TMEP Section 1207.01(c)(ii) (quoting *In re Electrolyte Laboratories Inc.*, 929 F.2d at 647, 16 USPQ2d at 1240 (K+ and design for dietary potassium supplement held not likely to be confused with K+EFF (stylized) for dietary potassium supplement)) (emphasis added).

Again, Applicant’s Mark and Registrant’s Mark do not contain such a dominant word element. Instead, the letter in Applicant’s Mark and Registrant’s Mark should not be accorded greater weight in the determination. The Examining Attorney must consider the marks in their entireties, and analyze the design elements, which further distinguish the marks.

b. The Pronunciation of the Marks is Inapplicable.

The Examining Attorney also states “[t]he marks in question could clearly be pronounced the same; such similarity in sound alone may be sufficient to support a finding of a likelihood of confusion.” *See Re/MAX of Am., Inc. v. Realty Mart, Inc.*, 207 U.S.P.Q. 960, 964 (T.T.A.B. 1980); *Molenaar, Inc. v. Happy Toys, Inc.*, 188 U.S.P.Q. 469, 471 (T.T.A.B. 1975); TMEP Section 1207.01(b). The Examining Attorney fails to appreciate the nature of the marks at issue. The Examining Attorney assumes, incorrectly, that the marks at issue can be vocalized similar to word + design marks. Applicant’s Mark and Registrant’s Mark lack vocalization; therefore, pronunciation is not an issue.

The cases cited by Examining Attorney further demonstrate this point. *See Re/MAX of Am., Inc. v. Realty Mart, Inc.*, 207 U.S.P.Q. 960, 964 (T.T.A.B. 1980) (comparing the word marks REMACS & RE/MAX); *Molenaar, Inc. v. Happy Toys, Inc.*, 188 U.S.P.Q. 469, 471 (T.T.A.B. 1975) (comparing the word marks FINGER.MAGIC & RINGA.MAJIGS). The Examining Attorney further relies upon *In re Drug Research Reports, Inc.*, 200 U.S.P.Q. 554 (T.T.A.B. 1978). Unlike the present situation, the marks in *In re Drug Research Reports* were not combinations of a single letter and a design, but were a string of multiple letters, which could more easily be vocalized. *Id.* at 556. (comparing the marks MDI & Design and M-D-D-I Reports & Design).

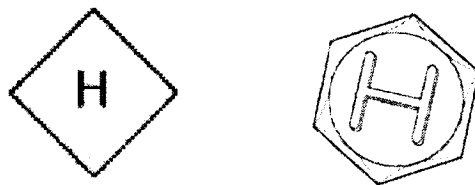
Finally, the Examining Attorney’s reliance on Section 1207.01(b)(viii) also is misplaced. This Section relates to marks consisting of multiple words. The Applicant’s Mark and Registrant’s Mark do not consist of multiple words. Therefore, this TMEP Section is inapplicable to the present situation and does not support Examining Attorney’s position.

Like the situation in *In re Electrolytes*, Applicant's Mark and Registrant's Mark cannot be vocalized; therefore, pronunciation of the marks is a non-issue and irrelevant to the likelihood of confusion analysis.

3. Applicant's Mark and Registrant's Mark, When Considered in Their Entireties, Are Visually Different and Create a Different Commercial Impression.

If one employs the proper standard for evaluating the similarity between the marks, it is obvious that Applicant's Mark and Registrant's Mark are dissimilar. The marks are both visually different and create a different commercial impression. There can be no likelihood of confusion when the marks are so dissimilar.

The Registrant's three-dimensional Mark consists of the "top view of a bolt with shaded "H" atop," as described in the registration. In fact, Registrant's Mark is a six-sided bolt with an inner circle and half-ovals in between the bolt and circle. In addition, the letter "H" is multi-dimensional with rounded edges, tilted, and all three lines comprising the letter are equally spaced. In contrast, Applicant's two-dimensional mark consists of a single diamond shape with the letter "H" in the middle. A visual comparison of the marks further highlights the differences.



Moreover, the marks clearly present different commercial impressions. The dominant commercial impression of Registrant's three-dimensional Mark is that of a bolts or hardware.

The bolt would be turned by a wrench or some form of a screwdriver or similar tool.

Applicant's two-dimensional diamond shape does not create a similar commercial impression, and does not convey any impression of hardware.

As demonstrated above, the proper analysis is to compare the marks in their entireties. The mere fact that both marks consist of the single letter "H" does not warrant a finding of a likelihood of confusion. Instead, the parties' marks are unlikely to be vocalized by the consumer, and the Examining Attorney must consider the design elements of both marks. Where a mark consists of a single letter and design composite, the weight of authority indicates that no single component is dominant. Therefore, it is appropriate to view the marks as they will be perceived by the consumers.

4. The Registrant's Mark Is Weak and Is Entitled to a Limited Scope of Protection.

Any potential likelihood of confusion is further reduced because the Registrant's Mark co-exists with a number of other registrations containing the letter "H" and a design in Class 8 for hand tools. It is well-established that "number and nature of similar marks in use on similar goods" is an important factor to consider in evaluating the likelihood of confusion. *In re E.I. DuPont de Nemours & Co.*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973).

If the common element of two marks is "weak" in that it is generic, descriptive or highly suggestive of the named goods or services, consumers typically will be able to avoid confusion unless the overall combinations have other commonality. TMEP § 1207.01(b)(viii). "[T]he greater the number of identical or similar trademarks already used on different goods, the less is the likelihood of confusion" between the marks. *Bell Labs, Inc. v. Colonial Prods., Inc.*, 231 U.S.P.Q. 569, 571 (S.D. Fla. 1986) (finding no likelihood

of confusion between FINAL and FINAL FLIP for rodenticide) (quoting the Restatement (Second) of Torts § 729 cmt. g). As the Ninth Circuit has stated,



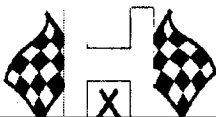


In a 'crowded field' of similar marks, each member of the crowd is relatively 'weak' in its ability to prevent use by others in the crowd. Simply put, 'a mark which is hemmed in on all sides by similar marks on similar goods cannot be very 'distinctive.' It is merely one of a crowd of marks. In such a crowd, customers will not likely be confused between any two of the crowd and may have learned to carefully pick out one from the other.

Miss World (UK) Ltd. v. Mrs. America Pageants, 856 F.2d 1445, 1449 (9th Cir. 1989)

(overruled on other grounds) (citations omitted).

Where a term is weak, the scope of protection afforded is so limited as to permit the use and/or registration of a composite mark comprising the same term plus other matter, whether such matter be equally suggestive or even descriptive, for the same or similar goods. *Industrial Adhesive Co. v. Borden, Inc.*, 218 USPQ 945, 951 (TTAB 1983) (no likelihood of confusion between BOND-PLUS and WONDER BOND PLUS, both for adhesive and glue products). The addition of other matter to a highly suggestive designation, therefore, whether such matter is equally suggestive or even descriptive, or possibly nothing more than a variant of the term, may be sufficient to distinguish between them so as to avoid confusion in the trade. *Color Key Corp. v. Color 1 Assocs., Inc.*, 219 USPQ 936, 943 (TTAB 1983) (no likelihood of confusion between COLOR KEY 1 and COLOR 1 "despite close relatedness in applicant's and opposer's goods"). See also *Murray Corp. of Am. v. Red Spot Paint and Varnish Co., Inc.*, 126 USPQ 390 (CCPA 1960) (no likelihood of confusion between EASY and EASY-TINT for paints); and *Standard Brands, Inc. v. Peters*, 191 USPQ 168 (TTAB 1975) (no likelihood of confusion between ROYAL and CORN ROYAL for, respectively, liquid shortening and for butter and margarine).

In the present case, Registrant's Mark co-exists with four other U.S. Registrations containing the letter "H" in connection with hand tools. "Third party registrations may be relevant to show that the mark or a portion of the mark is descriptive, suggestive, or so commonly used that the public will look to other elements to distinguish the source the source of the goods." TMEP § 1207.01(d)(iii). These registrations are identified in the below chart.

MARK	OWNER	U.S. REG. NO.	GOODS
	Handy Hardware Wholesale, Inc.	3,099,993	"hand tools, namely, pliers...wrenches...wire cutters..."
	Hanlong Industrial Co., Ltd.	2,683,707	"Manually-operated hand tools...namely...cable cutter and stripper..."
	Horstman Mfg. Co., Inc.	2,869,160	"hand tools namely, wrenches"
	Honda Giken Kogyo Kabushiki Kaisha	2,976,445	"pliers"
	Hannay Reels, Inc.	1,848,495	"hand operated reels for hoses and cables"

Attached as Exhibit A are USPTO TARR printouts for each of these registrations.

As stated by the Examining Attorney, we must consider whether the marks will confuse people into believing that the goods come from the same source. It is clear that this is not the case. The co-existence of Registrant's Mark with the other four U.S. registrations entitles Registrant's Mark to a limited scope of protection. These third party registrations clearly show that the consuming public is exposed to third-party use of marks containing the

letter "H" on hand tools. The combination of the letter "H" with a different design element is sufficient to distinguish the marks and avoid a likelihood of confusion. As a result, accustomed to such third party use, consumers will not believe the goods come from the same source.

III. CONCLUSION

In light of the foregoing, Applicant respectfully submits that there is no likelihood of confusion in this case. The case law is clear that the Examining Attorney must consider the marks in their entireties, and not simply conclude that a letter is dominant and easily vocalized. When properly considered, the visual differences between the marks and the different commercial impression become apparent, such that the marks are dissimilar. The only element shared by the marks is a single letter "H," a diluted term entitled to a limited scope of protection. Due to the third party use, consumers will be able to distinguish between Applicant's Mark and Registrant's Mark by focusing on the clearly distinguishable design elements of the respective marks. As there is no likelihood of confusion, Applicant respectfully requests that the Examining Attorney withdraw the refusal to register and approve Applicant's Mark for publication in the *Official Gazette*.

Respectfully Submitted,

SWANSON TOOL CO., INC.

Dated: April 6, 2009

By: Joseph T. Kucala, Jr./
Joseph V. Norvell
Joseph T. Kucala, Jr.
NORVELL IP LLC
1776 Ash Street
Northfield, Illinois 60093

Attorneys for Applicant

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-06 15:20:09 ET

Serial Number: 78415341 Assignment Information

Trademark Document Retrieval

Registration Number: 3099993

Mark



(words only): H

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-06-06

Filing Date: 2004-05-07

Transformed into a National Application: No

Registration Date: 2006-06-06

Register: Principal

Law Office Assigned: LAW OFFICE 106

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-06-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Handy Hardware Wholesale, Inc.

Address:

Handy Hardware Wholesale, Inc.
8300 Tewanin Drive
Houston, TX 77061
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Texas

GOODS AND/OR SERVICES

International Class: 008

Class Status: Active

Hand tools, namely, pliers, hammers, wrenches, screwdrivers, socket sets, mallets, metal vises, snips, bolt and wire cutters, chisels, squares, clamps, Handsaws, namely, bow saw and hacksaws, Hand tools namely, saws, and Utility knives

Basis: 1(a)

First Use Date: 2003-09-01

First Use in Commerce Date: 2003-09-01

ADDITIONAL INFORMATION

Description of Mark: The mark consists of top view of bolt with shaded "H" atop.

Design Search Code(s):

14.03.02 - Bolts; Fasteners, bolts; Fasteners, nails; Fasteners, screws; Nails (hardware); Nuts (hardware); Rivets; Screws; Tacks, thumb; Thumbtacks

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark

Document Retrieval" shown near the top of this page.

2007-03-29 - TEAS Change Of Correspondence Received

2006-06-06 - Registered - Principal Register

2006-03-14 - Published for opposition

2006-02-22 - Notice of publication

2006-01-26 - Law Office Publication Review Completed

2006-01-09 - Approved for Pub - Principal Register (Initial exam)

2006-01-09 - EXAMINERS AMENDMENT E-MAILED

2006-01-09 - Examiners Amendment -Written

2005-07-15 - Final refusal e-mailed

2005-07-15 - Final Refusal Written

2005-07-01 - Teas/Email Correspondence Entered

2005-06-28 - Communication received from applicant

2005-06-28 - TEAS Response to Office Action Received

2005-01-14 - Assigned To LIE

2005-01-08 - NON-FINAL ACTION E-MAILED

2005-01-08 - Non-Final Action Written

2005-01-07 - Teas/Email Correspondence Entered

2005-01-03 - Communication received from applicant

2005-01-07 - Assigned To LIE

2005-01-03 - TEAS Response to Office Action Received

2004-12-07 - Examiner's Amendment And/Or Priority Action E-Mailed

2004-12-07 - Examiners Amendment And/Or Priority Action - Completed

2004-12-07 - Assigned To Examiner

2004-05-14 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Al Harrison

Correspondent

Al Harrison

Harrison Law Office, P.C.

411 Fannin St. #350

Houston TX 77002

Phone Number: 713-223-4034

Fax Number: 713-224-7950

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-06 14:19:01 ET

Serial Number: 78088019 Assignment Information Trademark Document Retrieval

Registration Number: 2683707

Mark



(words only): H

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-03-01

Filing Date: 2001-10-11

Transformed into a National Application: No

Registration Date: 2003-02-04

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-03-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Hanlong Industrial Co., Ltd.

Address:

Hanlong Industrial Co., Ltd.
No. 58, Chung Shan Road, Tu Cheng City 236

Taipei Hsien 00000

Taiwan

Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

Phone Number: 408-255-4976

Fax Number: 408-996-8625

GOODS AND/OR SERVICES

International Class: 008

Class Status: Active

Manually-operated hand tools for use in attaching connectors, terminals, fiber optic and data cables, namely, modular cable crimper-stripper-and-cutter tool, modular plug crimper-stripper-and-cutter tool, waterproof connectors crimping tool, coaxial cable crimping tool, coaxial connector crimping tool, fiber optic connector crimping tool, fiber optic cable stripper, punch down blocks, terminal crimping tool, cable cutter and stripper, cable tie installation tool, and IDC crimping tool

Basis: 1(a)

First Use Date: 2000-11-18

First Use in Commerce Date: 2000-11-18

ADDITIONAL INFORMATION

Design Search Code(s):

26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles)

26.01.07 - Circles with a decorative border, including scalloped, ruffled and zig-zag edges

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-10-17 - Notice Of Design Search Code Mailed

2008-03-01 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-02-15 - Assigned To Paralegal

2008-02-13 - Case File In TICRS

2008-02-08 - TEAS Section 8 & 15 Received

2003-02-04 - Registered - Principal Register

2002-11-12 - Published for opposition

2002-10-23 - Notice of publication
2002-08-23 - Approved for Pub - Principal Register (Initial exam)
2002-07-24 - Communication received from applicant
2002-07-24 - TEAS Response to Office Action Received
2002-01-24 - Non-final action e-mailed
2002-01-02 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lin-Yun Cheng

Correspondent

Lin-Yun Cheng
Pro-TECHTOR International Services
20775 NORADA COURT
Saratoga CA 95070-3018
Phone Number: 408-255-4976
Fax Number: 408-996-8625

Domestic Representative

Lin-Yun Cheng
Phone Number: 408-255-4976
Fax Number: 408-996-8625

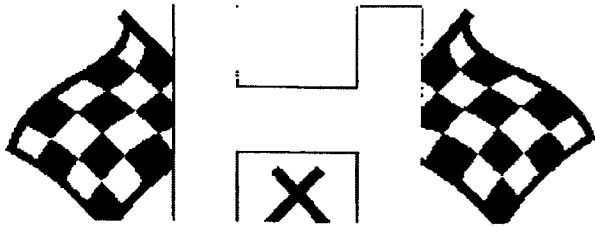
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-06 14:19:23 ET

Serial Number: 78162614 Assignment Information Trademark Document Retrieval

Registration Number: 2869160

Mark



(words only): H

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-08-03

Filing Date: 2002-09-10

Transformed into a National Application: No

Registration Date: 2004-08-03

Register: Principal

Law Office Assigned: LAW OFFICE 116

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-08-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Horstman Manufacturing Co., Inc.

Address:

Horstman Manufacturing Co., Inc.
2510 Pioneer Avenue

Vista, CA 92083

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Nevada

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

ENGINE MUFFLERS; ENGINE PARTS, NAMELY, REINFORCEMENT RINGS; MOTOR BASE MOUNTS; MUFFLERS; AIR FILTERS AND FUEL FILTERS, ALL FOR USE IN AND WITH RECREATIONAL VEHICLES, NAMELY, GO-CARTS, MOTORCYCLES, AND THREE-WHEELERS

Basis: 1(a)

First Use Date: 1967-10-00

First Use in Commerce Date: 1967-10-00

International Class: 008

Class Status: Active

CLUTCH SPRING HAND TOOLS, NAMELY SPRING HOLDING TOOLS USED TO ADJUST THE HEIGHT OF SPRINGS AND CLUTCHES; HAND TOOLS NAMELY, WRENCHES

Basis: 1(a)

First Use Date: 1967-10-00

First Use in Commerce Date: 1967-10-00

International Class: 012

Class Status: Active

PARTS FOR GO-CARTS, MOTORCYCLES AND THREE-WHEELER RECREATIONAL VEHICLES, NAMELY, CLUTCHES, TORQUE CONVERTERS, ENGINES AND DRIVE CHAIN GUARDS, HUB AND SHOE ASSEMBLIES, CLUTCH SPROCKETS AND THROTTLE LINKAGE KITS CONSISTING OF PLATES, BRASS FITTINGS, SCREWS AND THROTTLE ARM

Basis: 1(a)

First Use Date: 1967-10-00

First Use in Commerce Date: 1967-10-00

ADDITIONAL INFORMATION

Design Search Code(s):

24.09.01 - Flags, rectangular or square, excluding American flag or checkered flag

24.09.04 - Checkered flag; Flags, checkered

24.09.09 - Flags, more than one; More than one flag

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval"

shown near the top of this page.

2004-08-03 - Registered - Principal Register
2004-05-11 - Published for opposition
2004-04-21 - Notice of publication
2004-03-04 - Approved for Pub - Principal Register (Initial exam)
2004-03-04 - Examiner's amendment mailed
2004-01-07 - Previous allowance count withdrawn
2003-12-04 - Approved for Pub - Principal Register (Initial exam)
2003-11-26 - Examiner's amendment mailed
2003-11-06 - Previous allowance count withdrawn
2003-10-02 - Approved for Pub - Principal Register (Initial exam)
2003-09-25 - Previous allowance count withdrawn
2003-08-11 - Approved for Pub - Principal Register (Initial exam)
2003-06-02 - Communication received from applicant
2003-06-23 - Case File In TICRS
2003-06-02 - PAPER RECEIVED
2003-03-10 - Non-final action mailed
2003-02-06 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Stephen J. Strauss

Correspondent

Stephen J. Strauss
Fulwider Patton Lee & Utecht, LLP
6060 Center Drive
10th Floor
Los Angeles CA 90045
Phone Number: (310) 242-2730
Fax Number: (310) 824-9696

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-06 14:20:01 ET

Serial Number: 76006799 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2976445

Mark



(words only): H

Standard Character claim: No

Current Status: Registered.

Date of Status: 2005-07-26

Filing Date: 2000-03-21

Transformed into a National Application: No

Registration Date: 2005-07-26

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-06-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Honda Giken Kogyo Kabushiki Kaisha

Address:

Honda Giken Kogyo Kabushiki Kaisha
1-1, 2-Chome, Minami-Aoyama

Minato-Ku, Tokyo

Japan

Legal Entity Type: Corporation

State or Country of Incorporation: Japan

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

Gasoline engines not for land vehicles; engine parts, namely, alternators for land vehicles; machine parts, namely, roller bearings; fan belts for motor and engines, water pumps for use in motors and engines and structural and functional parts thereof; motorcycle muffler protectors; boat motors; engine idle controller and structural parts thereof; internal combustion engines for machine operation and their parts; engines, other than for land vehicles, namely for edgers, pumps, mowers, air compressors, generators, washers, cement trowels and mixers, floor buffers and turf care equipment; power lawn and garden tools, namely, mulching mowers, and machines parts, namely, blades, rotary parts, tines, tine extension, catchers, chutes, arrestors, deckguards, hoes, handle supports, drum rotors, and structural parts thereof; generators for land vehicles, electric generators, and structural parts thereof, namely covers, cords, switches, hanger kits, transport kits, remote control kits, plugs, and battery trays; power equipment, namely power-operated cultivators, dynamos, power tiller and parts thereof and attachments for cultivating, weeding, pumping, spraying, reaping, harrowing, harvesting, planting, mowing, sweeping, puddling, furrowing, hulling, and snow removal; tractor towed equipment, namely, tillers, sweepers, loaders, mowers, blowers, hitches, harrows, cultivators, plows, carts and shredders; water debris and trash pumps for agriculture, construction, drainage, flooding, boating and home use; lawn mowers, snow blowers, riding lawn mowers, rotary power lawn mowers and commercial mowers; power-operated hosiery looms; water pumps for use in irrigation, gardening and construction; power-operated reapers; high pressure washing machines for cleaning shutters, bath tubs, tiled wells, pipes, outdoor walls, balconies, floor terraces and high space, and for removing moss; power-operated abrasive wheels; air brushes for applying coloring and the like; vehicles parts, namely, mufflers, starters, ignitions, shock absorbers, filters, air compressors, hoses, bearings, belts, carburetors, radiators, catalytic converters, oil pumps for use in motor and engines, clutches for land vehicles, cylinders, distributors, couplings and emission reduction units, namely EGR valves and PCV valves; belts, brake linings, brakes, couplings, bits, gears and filters, for machines; bits for power tools; extension bars for power tools; tractor-towed fertilizer applicators; floor polishing and washing machines; gasoline engines not for land vehicles; machine parts, namely grindstones, harrows, hose reels, hydraulic jacks, mechanical seals, air brushes for applying paint, piston rings, plows, power operated dethatchers and power operated grass/weed trimmers; power operated lifts for moving, parking and storing land vehicles; power tools, namely, propellers, ratchet wrenches, rods, rotary pumps, sanders, saws, screwdrivers

Basis: 1(a)

First Use Date: 2002-00-00

First Use in Commerce Date: 2002-00-00

International Class: 008

Class Status: Active

pocket knives, pliers

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 009

Class Status: Active

Electric storage batteries and battery chargers; oil level monitors for internal combustion engines; calculators.

antennas, audio cassette decks for land motor vehicles; cigarette lighters for land vehicles; cruise control for motor vehicles, electric power extension cords, emergency warning lights, fuses for automobiles, radios for vehicles; speedometers for vehicles, stereo amplifier, thermostats, timing sensors; batteries for vehicles

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 011

Class Status: Active

flashlights, headlights for vehicles

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 012

Class Status: Active

internal combustion engines for land vehicles; engine parts namely, transmission shifters; land tractors; devices for proportioning stopping force between front and rear wheel brakes, namely, a secondary master cylinder; a proportional control valve and multi-piston calipers for proportioning stopping; motorcycle suspensions; frames for motorcycles; motorcycle parts, namely a mechanically activated anti-drive system for use in braking comprised of brake calipers, valves and levers; structural parts and accessories for all terrain vehicles, namely, drive train mechanism; structural parts for land vehicles which combine an anti-lock braking system; traction control and side slip; land motor vehicle accessories, namely, license plate frames, anti-theft alarms for vehicles, bumpers, chassis, oil pans, seat cushions, sunroofs, windshield sunshades, exhaust pipe, axle bearing, axle boot kits for use with land vehicles, axles, bearings, belts, blades, brake blocks, brakes, brake cylinder repair kits, brake hardware, namely, air truck brake hoses, brake linings, brake pads, tire chains, clutches, connecting rods, torque converters for land vehicles, vehicle seat covers, brake cylinder repair kits, directional signals for vehicles, drive belts other than parts of motors and engines, drive gears, land vehicle engine rebuilt kits sold as a unit and aerodynamic fairings; horns for vehicles, hub caps, inner tubes for vehicle tires, license plate holders, luggage carriers for vehicles; vehicle parts, namely, rear view mirrors; mopeds and pick up trucks, caps and patches for tires; seat belts for use in vehicles, vehicle seats; snow mobiles; spoilers for vehicles, steering boot kits for use with land vehicles, steering wheel lock, steering wheels, automobile windshield sunshades, suspension systems for motorcycles and automobiles, thrusters for vehicles, tires valves, tires, tractors, land vehicle transmission, automobiles motorcycles, motorscooters, all-terrain vehicles and transmissions; tricycles, trucks, and, wagons; valves, vehicle windows, wipers and windshields; vehicle brakes

Basis: 1(a)

First Use Date: 2002-00-00

First Use in Commerce Date: 2002-00-00

International Class: 014

Class Status: Active

Jewelry; watches, wristwatches and structural parts thereof

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 016

Class Status: Active

writing material namely pens; printed matter and paper goods namely, books on the subject of automobiles, motorcycles, bicycles, all-terrain vehicles and power equipment, memorandum books, decals and stickers

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 018

Class Status: Active

all purpose athletic bags, gym bags, duffel bags, luggage, shoulder bags, book bags, leather key fobs, key cases; umbrellas

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 021

Class Status: Active

Mugs; beverage coolers; coffee cups, cups, insulated containers for food or beverage

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 024

Class Status: Active

towels

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 025

Class Status: Active

Headgear and clothing, namely jackets, knit shirts, polo shirts, wind-resistant jackets, t-shirts, shirts, hats, neckties, sweatshirts

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 027

Class Status: Active

Carpets for land motor vehicles, mats and covers; rubber mats; rugs

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 028

Class Status: Active

replicas of land motor vehicles of all types, namely, automobiles, four-wheel land motor vehicles

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 035

Class Status: Active

dealership services, dealership identification programs in the field of land motor vehicles, automobiles, motorcycles, motorscooters, all-terrain vehicles and power equipment dealerships; sales in the field of all types

of land vehicles, automobiles dealerships; marketing services, namely, direct mail, telemarketing and promotion of sales, leasing, and servicing of land motor vehicles, parts, and accessories thereof; co-operative advertising and marketing provided to applicant's dealers regarding the sale, leasing and servicing of land motor vehicles, automobiles; marketing services, namely direct mailings, telemarketing campaigns, and periodic reports, designed to encourage customers to return to originating dealers to lease or purchase new vehicles; conducting employee and dealership incentive award programs to promote on-the-job quality, service, productivity, performance, and sales in the field of land motor vehicles, automobiles dealerships; advertising agencies, namely, promoting the services of automobile, motorcycle, scooter, all-terrain vehicle, and power equipment dealerships through the distribution of printed promotional materials and by rendering sales promotion advice; developing campaigns for dealers; promoting the sale of land motor vehicles, automobiles by dealers through the administration of incentive award programs; distributorship services in the field of engines; distributorship services in the field of generators and pumps; distributorship services in the field of power equipment, namely lawnmowers and riding mowers; catalog services and distributorship services featuring shirts, hats, jackets, luggage, watches, mugs, umbrellas, pens, tools; catalogue services and distribution services featuring motorcycle bolt-on accessories and motorcycle power kits

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 041

Class Status: Active

Automobile dealership incentive programs to demonstrate excellence in the automotive field; automobile dealerships; training programs in the area of sales, service and management

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

International Class: 042

Class Status: Active

Automobiles and for automobile division services, including the establishment of a dealer network and the procurement sale; providing an interactive computer database in the field of automotive sales, service and information; motorcycle and motorscooter dealership services

Basis: 1(a)

First Use Date: 2005-03-03

First Use in Commerce Date: 2005-03-03

ADDITIONAL INFORMATION

Lining and Stippling: The stippling in the drawing is not intended to indicate color.

Design Search Code(s):

26.11.02 - Plain single line rectangles; Rectangles (single line)

26.11.21 - Rectangles that are completely or partially shaded

Prior Registration Number(s):

800926

2272458

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-07-26 - Registered - Principal Register

2005-05-23 - Law Office Registration Review Completed

2005-05-23 - Assigned To LIE

2005-05-11 - Allowed for Registration - Principal Register (SOU accepted)

2005-05-03 - Statement of use processing complete

2005-03-03 - Amendment to Use filed

2005-03-07 - PAPER RECEIVED

2004-09-21 - Extension 3 granted

2004-09-03 - Extension 3 filed

2004-09-07 - PAPER RECEIVED

2004-08-09 - Case File In TICRS

2004-03-18 - Extension 2 granted

2004-03-03 - Extension 2 filed

2004-03-05 - PAPER RECEIVED

2003-10-02 - Extension 1 granted

2003-09-04 - Extension 1 filed

2003-10-03 - Divisional processing completed

2003-09-04 - Divisional request received

2003-09-04 - PAPER RECEIVED

2003-03-04 - Noa Mailed - SOU Required From Applicant

2002-12-10 - Published for opposition

2002-11-20 - Notice of publication
2002-07-19 - Assigned To Examiner
2002-03-29 - Approved for Pub - Principal Register (Initial exam)
2001-10-22 - Communication received from applicant
2001-05-14 - Final refusal mailed
2000-09-05 - Non-final action mailed
2000-08-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

DAVID N. MAKOUS

Correspondent

DAVID N. MAKOUS
LEWIS D'AMATO BRISBOIS & BISGAARD LLP
221 NORTH FIGUEROA STREET, SUITE 1200
LOS ANGELES, CA 90012

Domestic Representative

LEWIS D'AMATO BRISBOIS & BISGAARD LLP

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-04-06 14:20:27 ET

Serial Number: 74438207 Assignment Information Trademark Document Retrieval

Registration Number: 1848495

Mark



(words only): H

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-08-30

Filing Date: 1993-09-20

Transformed into a National Application: No

Registration Date: 1994-08-09

Register: Principal

Law Office Assigned: LAW OFFICE 9

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-08-31

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. HANNAY REELS, INC.

Address:

HANNAY REELS, INC.
553 STATE ROUTE 143 P O BOX 159

WESTERLO, NY 121930159

United States

Legal Entity Type: Corporation

State or Country of Incorporation: New York

GOODS AND/OR SERVICES

International Class: 007

Class Status: Active

power operated reels for hoses and cables

Basis: 1(a)

First Use Date: 1987-01-02

First Use in Commerce Date: 1987-01-02

International Class: 008

Class Status: Active

hand operated reels for hoses and cable

Basis: 1(a)

First Use Date: 1987-01-02

First Use in Commerce Date: 1987-01-02

ADDITIONAL INFORMATION

Description of Mark: The mark consists of a fanciful representation of a reel forming the letter "H".

Design Search Code(s):

14.01.25 - Block and Tackle (hardware); Other heavy hardware articles

Prior Registration Number(s):

717037

1457190

1738009

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2004-08-30 - First renewal 10 year

2004-08-30 - Section 8 (10-year) accepted/ Section 9 granted

2004-06-17 - Combined Section 8 (10-year)/Section 9 filed

2002-09-05 - TEAS Change Of Correspondence Received
2000-01-06 - Section 8 (6-year) accepted & Section 15 acknowledged
1999-09-16 - Section 8 (6-year) and Section 15 Filed
1994-08-09 - Registered - Principal Register
1994-05-17 - Published for opposition
1994-04-15 - Notice of publication
1994-01-27 - Approved for Pub - Principal Register (Initial exam)
1994-01-24 - Examiner's amendment mailed
1994-01-12 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Mark S. Bicks

Correspondent

Mark S. Bicks

Roylance, Abrams, Berdo & Goodman, LLP

Suite 600

1300 19th Street, NW

Washington DC 20036-1649

Phone Number: 202-659-9076

Fax Number: 202-659-9344
